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United States District Court
Eastern District of New York

_____)	
Shu-Hsing Lin,)	
)	
Plaintiff,)	
)	No.
- against -)	
)	
)	<u>Complaint</u>
UT Freight Service (USA) Ltd.,)	
)	
Defendants.)	
_____)	

Plaintiff, complaining of the Defendant by her attorney, David Abrams, Attorney at Law, respectfully set forth and allege as follows:

I. Introduction

1. This is an action for unpaid wages and overtime under the Fair Labor Standards Act; the New York Minimum Wage Act and New York Labor Law. Plaintiff also asserts a claim for violation of the Wage Theft Prevention Act.

II. Parties

2. Plaintiff is a natural person.

3. Defendants UT Freight Service (USA) Ltd. is a New York business corporation with a principle place of business in the State of New York, County of Queens.

III. Venue and Jurisdiction

4. The Court has subject matter jurisdiction over this matter in that Plaintiff asserts claim under federal law -- a claim under the Fair Labor Standards Act -- and the remaining claims are part of the same case or controversy.

5. The Court has personal jurisdiction over the Defendants in that this matter arises from the Defendants' employment of the Plaintiff out of their facility in Queens New York.

6. Venue is appropriate in that the Corporate Defendants reside in the State of New York, County of Queens.

IV. Background

7. At all times relevant to this complaint, upon information and belief, the Employer operated a freight forwarding service.

8. Plaintiff was employed by the Employer for many years until her separation from employment in October of 2015.

9. Although Plaintiff's job title was "accounting supervisor," she had no subordinates and instead performed primarily clerical functions such as consummating payment instructions; preparing payroll information; printing out reports; and so forth. Plaintiff's "Job Function List" is incorporated herein by reference.

10. Plaintiff was paid a straight salary with no overtime premiums. Nevertheless, her normal work-week was 5 days and her normal workday exceeded 8 hours; for example a typical work day was from 9:00am to 5:30pm with no meal break. Thus, Plaintiff regularly worked in excess of 40 hours per week.

11. Plaintiff regularly conducted transactions, for example electronic payments, which entailed the use of interstate wires.

V. Causes of Action and Demand for Relief

Count One: Violation of New York Wage & Hour Law

12. The allegations contained in the preceding paragraphs are incorporated as if restated herein.

13. Plaintiff was an employee of the Employer within the meaning of the New York Minimum Wage Act and accompanying regulations.

14. The Employer was an employer of Plaintiff within the meaning of those same regulations.

15. The Employer violated the above law and regulations in that it did not properly compensate Plaintiff for the hours and overtime hours she worked. Further, the Employer violated the Labor Law by failing to give Plaintiff the proper WTPA disclosures.

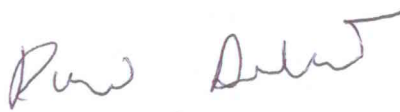
Count Two: Violation of the Fair Labor Standards Act

16. The allegations contained in the preceding paragraphs are incorporated as if restated herein..

17. The Defendants violated the Fair Labor Standards Act in that they did not properly compensate Plaintiff for the hours and overtime hours he worked.

WHEREFORE Plaintiff demand judgment against the Defendants in the amount of his unpaid back wages, overtime and liquidated damages, in an amount not more than \$50,000.00 which includes attorneys fees and costs, and such other and further relief that the Court deems just.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "David Abrams", is written over a horizontal line.

David Abrams
Attorney for Plaintiff
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Dated: March 19, 2017
New York, New York